Simon v. Adzilla, Inc [New Media] et al Doc. 217

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC., and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU LLC, (now known as CONNECTU INC.) CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA, Defendants.	CASE NO. C 07-01389 RS **DECLARATION OF SCOTT R. MOSKO IN SUPPORT OF FACEBOOK'S ADMINISTRATIVE REQUEST PURSUANT TO LOCAL CIVIL RULE 79-5(b) & (d) TO FILE UNDER SEAL THE MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF FACEBOOK'S MOTION TO COMPEL PACIFIC NORTHWEST SOFTWARE, INC. AND WINSTON WILLIAMS TO PROVIDE COMPLETE AND SUPPLEMENTAL RESPONSES TO FACEBOOK'S FIRST SET OF INTERROGATORIES NOS. 3 AND 4 AND EXHIBITS F, G AND H TO THE DECLARATION OF THERESA A. SUTTON IN SUPPORT OF FACEBOOK'S MOTION TO COMPEL** **~~[PROPOSED]~~ ORDER** Date: November 28, 2007 Time: 9:30 a.m. Dept.: 4 Judge: Hon. Richard Seeborg

Dockets.Justia.com

I, Scott R. Mosko, declare as follows:

I am a partner with the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., counsel of record for Defendants Pacific Northwest Software, Inc. and Winston Williams in the above captioned matter. This declaration is based on my personal knowledge and, if called as a witness, could and would competently testify thereto.

1. Papers Submitted for Partial Filing Under Seal

The following document designated by Facebook's Administrative Request Pursuant to Local Civil Rule 79-5(b) & (d) to File Under Seal the Memorandum of Points and Authorities in Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4 and Exhibits F, G and H to the Declaration of Theresa A. Sutton in Support of Facebook's Motion to Compel contains excerpts of confidential documents that should be filed under seal:

- Facebook's Memorandum of Points and Authorities in Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4. This document contains excerpts from Winston Williams' June 19, 2007, deposition taken in this matter. The deposition testimony has been marked Highly Confidential by Winston Williams pursuant to the Protective Order entered in this matter. It contains testimony regarding confidential business information of defendant Pacific Northwest Software, Inc., and hence is subject to Local Civil Rule 79-5(c) and (d) and the excerpts should be sealed from public view.

2. Papers Submitted For Filing Under Seal in Their Entireties

The following materials designated by Facebook's Administrative Request Pursuant to Local Civil Rule 79-5(b) & (d) to File Under Seal the Memorandum of Points and Authorities in Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4 and Exhibits F, G and H to the Declaration of Theresa A. Sutton in Support of Facebook's Motion to Compel are confidential or highly confidential and sealable in their entirety:

- **Exhibit F** to the Declaration of Theresa A. Sutton in Support of Facebook's Motion to Compel is a copy of of excerpts from Winston Williams' June 19, 2007 deposition taken in this matter. The deposition testimony has been marked Highly Confidential by Winston Williams pursuant to the Protective Order entered in this matter. The excerpts contain confidential business information of defendant Pacific Northwest Software, Inc., and hence is subject to Local Civil Rule 79-5(d) and should remain sealed from public view.
- **Exhibit G** to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of a May 10, 2005 e-mail (Bates No. CUCA02972) produced to Facebook, Inc. by ConnectU LLC in the Superior Court for the County of Santa Clara action, Case No. 1:05-CV-047381. It was marked Confidential by ConnectU LLC pursuant to the Protective Order entered in that matter. It contains confidential business information of defendant Pacific Northwest Software, Inc., and hence is subject to Local Civil Rule 79-5(d) and should remain sealed from public view.
- **Exhibit H** to the Declaration of Theresa A. Sutton filed in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss is a copy of a document produced to Facebook, Inc. by Pacific Northwest Software, Inc. (Bates No. PNS01763). This document has been marked Confidential by Pacific Northwest Software, Inc. pursuant to the Protective Order entered in this matter. It contains confidential business information of defendant Pacific Northwest Software, Inc., and hence is subject to Local Civil Rule 79-5(d) and should remain sealed from public view.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Executed on October 22, 2007, at Palo Alto, California

/s/ Scott R. Mosko
Scott R. Mosko

[PROPOSED] ORDER

Upon good cause shown, **IT IS HEREBY ORDERED** that the following documents shall be received and filed under seal by the Clerk:

1. The highlighted version of Facebook's Memorandum of Points and Authorities in Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4.

2. Exhibits F, G and H to the Declaration of Theresa A. Sutton in Support of Facebook's Motion to Compel.

Dated: October 24, 2007

United States Magistrate Judge